

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	2:21-CV-022-Z
	§	
PLANNED PARENTHOOD FEDERATION	§	
OF AMERICA, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

Before the Court is Defendants’ Emergency Motion to Reconsider Briefing Schedule, or, in the Alternative, Request to Summarily Deny Relator’s Motion for Failure to Meet & Confer (“Motion”) (ECF No. 224), filed on October 17, 2022. The Court **GRANTS IN PART** Defendants’ Motion. Defendants must file their response to Relator’s motion to compel (ECF No. 220) **on or before Wednesday, October 26, 2022**. Relator may reply to Defendants’ response **on or before Monday, October 31, 2022**.

**BACKGROUND**

Relator Alex Doe alleges Defendant Planned Parenthood Federation of America, Inc. (“PPFA”) and its Texas and/or Louisiana affiliates (“Affiliate Defendants”) violated state and federal law by falsely certifying their compliance with Texas and Louisiana Medicaid rules and regulations, and by failing to repay the government millions of dollars of Medicaid funds that they knew or should have known they were obligated to repay. On October 14, 2022, Relator filed its Motion to Compel Production and Appointment of Forensic Examiner to Conduct a Review and Examination of Defendants’ Computer Systems and Electronic Data, and for Expedited Consideration. ECF No. 220. Relator requested the Court to order Defendants to file a response by

October 19, 2022, and proposed to file a reply by October 21, 2022. *Id.* at 3. The Court instead ordered Defendants to file a response to the Motion by October 21, 2022, and ordered Relator to file any reply by October 24, 2022. ECF No. 223 at 1. Defendants now ask the Court to reconsider the order or — in the alternative — summarily deny Relator’s motion for failure to meet and confer under Federal Rule of Civil Procedure 37(a)(1).

#### ANALYSIS


As Defendants admit, the Court has previously ordered expedited briefing in this case to facilitate expedient discovery and to avoid disruption to the scheduling order. *See, e.g.*, ECF No. 159. Defendants also requested expedited briefing for Affiliate Defendants’ Motion for Clarification of the Court’s September 20, 2022 Order. ECF No. 202. The Court was prepared to grant that motion, but the issue became moot because parties expeditiously completed their briefing on their own accord. *See* ECF No. 213 at 2. Thus, the Court’s decision to order expedited briefing is consistent with prior orders and sensitive to the fast-approaching deadline for completion of discovery. *See* ECF No. 192. The Court will not deny expedited briefing simply because Defendants allege Relator’s motion contains “many inaccuracies.” ECF No. 224 at 5.

Defendants also argue a “single attempt through email” to resolve a party’s discovery concerns “does not satisfy the requirements of Rule 37(a)(1).” *Id.* at 8 (quoting *McAllister v. McDermott, Inc.*, No. CV 18-361-SDD-RLB, 2019 WL 6050724, at \*2 (M.D. La. Nov. 15, 2019)). But Relator’s email refers to the September 27 meeting and discussions “several times on calls and in emails [Relator’s] position that the PPFA Affiliates’ production is deficient.” ECF No. 224-1 at 3. Accordingly, the Court finds the requirements of Rule 37(a)(1) are met and does not summarily deny Relator’s motion on these grounds.

However, given Defendants' concerns about their ability to respond on or before October 21, 2022, the Court will afford Defendants additional time to submit briefing. For these reasons, the Court **GRANTS IN PART** Defendants' Motion. Defendants must file their response to Relator's motion to compel **on or before Wednesday, October 26, 2022**. Relator may reply to Defendants' response **on or before Monday, October 31, 2022**.

**SO ORDERED.**

October 18, 2022



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MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE